

**MS4 Stormwater Coalition of Albany County  
Board of Directors Meeting**

**MINUTES  
Village of Green Island  
19 George Street  
Thursday, June 15, 2012  
8:30-10:00am**

**Board of Directors Attending:**

Sean Ward, Chairman  
Paul Reuss, Village of Menands  
Dennis Feeney, Albany County  
Glenn Hebert, Village of Voorheesville  
Erik Deyoe, Town of Bethlehem  
John McDonald, City of Cohoes  
Doug Melnick, City of Albany

**Board of Directors Absent:**

John Dzialo, Town of Colonie  
Carl Fleshman, Village of Colonie  
Thomas Dolin, Town of New Scotland  
James Bulmer, City of Watervliet

**Also Present:**

Nancy Heinzen, Stormwater Coalition Coordinator  
Melissa Ashline-Heil, City of Cohoes (Meeting Notes)  
Garry Nathan, City of Cohoes  
Frank Fazio, SUNY Albany  
Steve Oliver, Town of Guilderland  
Mary Barrie, NYSDEC  
Aaron Vera, Consultant

**I. Approval of March 16, 2012 Minutes**

John McDonald moved to approve the minutes; Paul Reuss seconded the motion. The motion passed unanimously.

**II. Reports**

**A. Coalition Administration and Decisions**

**1. Coalition Account**

**a) 2011**

The reserve amount as shown by the County is actually a deficit of \$57,948 because the County does not include the anticipated grant money reimbursements. Since the grant has not yet been completed, the Coalition only submitted vouchers for \$55,000 and \$23,198.14, yet we anticipate another \$125,000 in reimbursements. We have also been comingling grant revenues and expenditures with Coalition membership revenues and related Coalition expenses. This makes it difficult to nail down what represents unspent Coalition membership money. The reserve is confusing and a systemic problem, to be discussed with Management and Budget.

Finally, Nancy explained that in 2011, she did not receive her health insurance buy-back, but was instead paid in 2012. So instead of receiving two buy back payments in 2012, she will receive 3, with that third payment unlikely because there will be no money in the budget line, having only budgeted for two payments. The money unspent in 2011 should be in the reserve and available to cover this shortfall, but isn't because the overall reserve is a negative balance, and therefore inaccessible for any transfer of funds from the reserve to other budget lines.

Sean recommended the Coalition create a budget that does not rely on reserves.

## **b) 2012**

For the current year the Coalition is spending down salaries. Also, for some reason the Coalition budget report does not track encumbrances, as had been the case previously. This may be a permissions problem, and a matter of getting access to that part of the budget report which would show encumbrance information. Erik asked if the Coalition is in good shape for 2012. Nancy explained that while the "fees for services" line shows a deficit of -\$43,000 in the revenue line, all of the other lines show a positive balance. The "fees for services" line holds the grant money and the accounting of that money is hard to decipher from these budget reports.

## **2. Staffing**

The employees on staff continue to do well. On July 1<sup>st</sup>, 2013 Christina's grant funded job ends; therefore storm system mapping services to the municipalities will end as well. Patty Shultis' job could end December 31<sup>st</sup>, 2012 depending on how far along she is in completing her graduate degree.

She is currently working 35 hours a week during the summer months and scheduled to work 20 hours a week during the school year, but since she has finished her course work is available to work more hours. Nancy asked if the Coalition would permit her to work 35 hours a week this fall if funds are available.

Sean expressed concerns that a full-time employee may cause the employer to contribute to health insurance. Nancy is going to research. If that issue does not pose a problem

then having the extra help would be beneficial. The mapping project needs labor and the cost difference is \$3,315.

John moved to approve the increase in staffing hours conditioned on no health insurance costs. Glenn seconded the motion which passed unanimously.

### **3. Updated contact list**

Nancy made an updated list of Board members and Working Group members based on changes in elected officials.

## **B. Work Plans**

### **1. Coalition Work Plan**

#### **a) Activities**

#### **b) Grant activities**

- 1) A subgroup of the Coalition will provide a planning board role play at Hudson Valley Community College for CDRPC.
- 2) The Model Local Law subgroup needs to plan a Green Infrastructure tour and Nancy asked if the municipalities might be interested in touring sites in NYC. Mayor McDonald suggested that having a speaker bring a virtual tour to the area would be more economically feasible and the Coalition could afford more speakers than trips. Doug Melnick suggested that Corp Counsel, Code Enforcement and Engineering would all be interested in the tour.
- 3) Storm Mapping training will take place on June 27<sup>th</sup>, 2012.
- 4) Model GI Local Law – Nancy provided a handout showing preliminary survey results. Standards outside of the local codes are not included nor are Planned Development District guidelines. There are clearly some legal gaps and once the Model Local Law subcommittee selects which gaps to focus on Barton and Loguidice (B&L) will draft the model local law. Pricing is firm. The model law would be a pick and choose list. If members intend to adopt new rules this will be a good source.

## **III. Discussion/Decisions**

### **A. Guilderland 2012 membership**

#### **1. Approval**

The Board agreed that it would approve receiving Guilderland back into the Coalition. John asked how Guilderland came to the decision to return. Nancy recounted Roger Stone's retirement and his recommendation to leave the Coalition. Ken Runion wrote the Coalition asking to return because they have all new staff people and compiling the annual report was more difficult than anticipated.

#### **2. 2012 Pro-Rated Membership and County Budget Amendment**

However, Board members reviewed the Coalition IM agreement for guidance on what annual charge Guilderland would be responsible to pay. Erik Deyoe found a surcharge requirement in section 9.2; but the rule is meant for new

members. He also found the municipality would be responsible for the entire annual fee. Sean indicated that Guilderland had been verbally informed they would pay a pro-rated amount which would equal \$7,700, or half their annual fee. Nancy added that she did qualify the statement by letting Guilderland know it is a Board decision to admit Guilderland back in and whether to allow pro-rating the annual fee.

Erik Deyoe reiterated that the IMA is clear – since Guilderland pulled out put the Coalition at risk and allowing a pro-rated fee sets a precedent, he is against allowing the pro-rated amount. Sean pointed out that Guilderland did its own annual report this year, which is one of the main benefits of the Coalition. However, Nancy commented that the SWMP is an equally arduous document and Guilderland will benefit from the Coalition’s work on the SWMP. She added that the IMA language should support longer term planning. Erik countered that there are only certain instances in which parties can contract for long-term. This isn’t one of those instances.

Paul moved to approve welcoming Guilderland back into the Coalition. Erik seconded the motion which passed unanimously.

Doug moved to approve charging Guilderland the full fee. Erik seconded the motion which passed five to two.

Erik moved to waive the surcharge. Glenn seconded the motion which passed unanimously.

## **B. Intermunicipal Agreement**

### **1. Approval**

The final version – after January, March and most recent – adds the following:

- a) 3.5 adds “such terms may involve charging a fee...” which was a consequence of the discussion on charging for the AIMs program. It authorizes bringing in MS4s.
- b) 9.0 adds non-MS4 municipal fee amount of \$3500
- c) 11.12 matches the IMA expiration date with the permit expiration of 12/31/2015
- d) 11.4 adds contingent on County as co-signatory because the County hosts the Coalition. The County law department is reviewing the IMA.

John asked when the IMA would need to be approved by the County. Nancy explained that the law department will approve in a couple of months; then she’ll send a copy to Board members. She included the SEQR in the meeting packet. Although County has changed, she hopes they continue to host. Members agreed that although the County provides an \$8,000 in-kind benefit, plus \$7000 in membership fee, the County also benefits from the Coalition so it’s a good deal for both entities.

### **C. SUNY Albany and Coalition Contract**

Changes to this contract include: #5 changing the fiscal year to 1/1 through 12/31 and changing the fee to \$3500; #6 the contract ends in 12/31/2015. Erik pointed out that the contract language makes it appear that the fee is negotiable when in fact it is a set fee. He would have worded it differently.

John moved to approve the contract. Paul seconded the motion which passed unanimously.

### **D. Proposed 2013 Coalition Workplan and Budget**

#### **1. Workplan**

Nancy tried to match the workplan to the SWMP. Items of interest include: the outreach program, water quality hotline, rain garden maintenance, linking how “adopt a highway” programs relate to water quality and household hazardous waste day. With regard to the household hazardous waste day, Nancy would like to document how much material municipalities collect.

#### **2. Budget**

Revenues match expenses. No reserve is needed or relied on. Nancy submitted the budget to the County for review. Meanwhile, the Board of Directors needs to adopt the budget.

John moved to approve the 2013 budget and workplan. Paul seconded the motion which passed unanimously.

#### **IV. Close of Meeting**

Paul Reuss moved to adjourn the meeting at 10:00am. Erik Deyoe seconded the motion which passed unanimously.

*Minutes approved at the July 27, 2012 Board of Director’s Meeting.*